REMARKS

The claims are 1 to 9, 11 to 16, and 18 - 26. Claims 10 and 17 have been canceled. Claims 4 and 5 have been amended to correct a typographical error ("providing" in place of proving.) No new matter is provided by the amendment.

The Examiner's objections to claims 10 and 17, and rejection to those claims under 35 U.S.C. 112 are obviated by the cancellation of those claims.

The Examiner's objection to claim 26 and rejection of that claim under 35 U.S.C. 112 is respectfully traversed. The claim is an apparatus claim and depends from claim 25 which in turn depends from claim 18. Merely identifying the nature of the generation of the first data file – an element of the claim – through a "Loop Back mechanism means" does not, it is submitted, make the claim indefinite. Nor Applicant submits, is it necessarily a product by process claim, as were now cancelled claims 10 and 17. Rather, the claim appropriately defines an apparatus according to the various limitations of the claims. Accordingly, Applicant respectfully requests the withdrawal of the objection and rejection under 35 U.S.C. 112 to claim 26.

Claim 1 has been rejected under 35 U.S.C. §102(e) as being anticipated by Sowa et. al., U.S. Patent No. 6,594,665 ("Sowa.") Applicant respectfully traverses the Examiner's rejection.

Sowa does not teach the limitation of claim 1 in "providing a first data file, comprised of at least one first data file file name as well as a first data file hash value for each file referred to by each of said first data file file names..."

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To the extent Sowa can be read as providing a data file, that data file is of a file name only – it is not, for example, of a "first data file hash value for each file referred to by each of said first data file file names." The reason why Sowa merely provides the hash of a file name is apparently because it only teaches methods of file and directory search. The methods are based on file names, and is not concerned with file contents. Thus, there is no hash value of the file itself – merely of the names. (see, e.g., Sowa, Col. 5, lines 47-57.)

Nor does Sowa meet the limitation of the claim in "generating a second data file hash value for each file referred to by each of said second data file file name..." Sowa may generate a hash for a second file name, but Applicant is unable to find anywhere in Sowa a reference to hashing the file itself. Again, the reason appears to be because Sowa's second file name has to do with an input search string (usually the name of a file or directory) rather than the contents of a file (see, e.g., Sowa, Col. 6, lines 8-25.)

Thus, it is submitted that the limitations of claim 1 are not met by the Sowa reference, and it is respectfully requested that the Examiner's rejection be withdrawn and the claim proceed to issue.

Claims 2-3 and 5-9 depend from claim 1 and therefore share the limitations of that claim. Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. 102 §(e) as being anticipated by Sowa to claims 2-3 and 5-9. As was noted above, Sowa nowhere, teaches, suggests nor discloses the limitations of claim 1, and so cannot be held to disclose the limitations of claims 2-3 and 5-9. Thus, it is submitted, Sowa cannot serve as anticipatory reference to claims 2-3 and 5-9, and it is respectfully requested that the Examiner's rejection be withdrawn and the claims proceed to issue.

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Claim 11 is similar to claim 1 and Applicant respectfully traverses the Examiner's rejection to claim 11, under 35 U.S.C. §102(e), as being anticipated by Sowa.

As Applicant noted above, Sowa fails to teach, suggest or disclose transmitting a hash value for a file as opposed to a hash for a file name. Therefore, Sowa does not, it is submitted, anticipate the limitations of claim 11. For example, Sowa does not anticipate the limitation of "... generating a secure system data file, further comprising creating a hash value for a file and arranging said hash value with its respective file name..." Thus, it is submitted, Sowa cannot serve as anticipatory reference to claim 11, and it is respectfully requested that the Examiner's rejection be withdrawn and the claim proceed to issue.

Claims 12-13 and 15-16 depend, directly or indirectly, from claim 11 and therefore share the limitations of that claim. Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. 102 §(e) as being anticipated by Sowa to claims 12-13 and 15-16. As was noted above, Sowa nowhere, teaches, suggests nor discloses the limitations of claim 11, and so cannot be held to disclose the limitations of claims 12-13 and 15-16. Thus, it is submitted, Sowa cannot serve as anticipatory reference to claims 12-13 and 15-16, and it is respectfully requested that the Examiner's rejection be withdrawn and the claim proceed to issue.

Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. §102(e) to claim 18 as being anticipated by Sowa. As Applicant noted above, Sowa fails to teach, suggest or disclose transmitting a hash value for a file as opposed to a hash for a file name. Therefore, Sowa does not, it is submitted, anticipate the limitations of claim 18.

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For example, Sowa does not anticipate the limitation of "...a first data file, comprised of at least one first data file file name as well as a first data file hash value for each file referred to by each of said first data file file names..." Thus, it is submitted, Sowa cannot serve as anticipatory reference to claim 18, and it is respectfully requested that the Examiner's rejection be withdrawn and the claim proceed to issue.
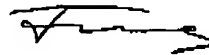
Claims 19 and 21-26 depend, directly or indirectly, from claim 18 and therefore share the limitations of that claim. Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. 102 §(e) as being anticipated by Sowa to claims 19 and 21-26. As was noted above, Sowa nowhere, teaches, suggests nor discloses the limitations of claim 18, and so cannot be held to disclose the limitations of claims 19 and 21-26. Thus, it is submitted, Sowa cannot serve as anticipatory reference to claims 19 and 21-26, and it is respectfully requested that the Examiner's rejection be withdrawn and the claim proceed to issue.

Claims 4, 14 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatenable over Sowa in view of Adya et. al. U.S. Pub. No. 2002/0188605. Applicant respectfully traverses the Examiner's rejection. All the claims 4, 14, and 20 share the limitations of their base claims, which, Applicant argued above are patentable. Therefore, claims 4, 14, 20 are patentable as well, and it is respectfully requested that the Examiner's rejection be withdrawn and the claim proceed to issue.

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Conclusion

Claims 1 to 9, 11 to 16, and 18 - 26 define patentable subject matter over the art of record and are not anticipated by nor obvious in view of the references of record. A Notice of Allowance is respectfully solicited.

Respectfully Submitted,

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